

Applicants: Bismarck et al.
Appl. No. 09/769,289

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-22 are pending in the application, with claims 1 and 15 being the independent claims.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Submitted herewith is a Request for Drawing Change Approval with proposed drawing changes indicated in red. Particularly, the proposed drawing changes label the steps shown in Fig. 3 and addresses the objection of the Examiner in item 2 of the Office Action.

Claims 1 and 15 have been amended to overcome the objections noted in item 3 of the Office Action.

Claims 1-10 and 12-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lephardt in view of Rudszinat.

Claim 1 recites: 1) *providing at least some of the constituents with characteristic indicia;* 2) *processing the characteristic indicia into information which is characteristic of the assembled container;* and 3) *encoding the information upon at least one constituent of the container.*

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These steps prevent forgery in packaging containers. As recited by claim 1, at least some of the individual components are provided with characteristic indicia. For example, as shown in Fig. 5, the foil portion 8a is provided with the number "582," the collar 17 is provided with the number "047," and so on. Once these individual components are assembled, the individual characteristic indicia are processed into information which is characteristic of the assembled container. For example, as discussed on page 24, lines 11-23, the individual indicia are processed by the control circuit into information 42 (shown in Fig. 5), which represents, for example, the product or sum of the individual indicia. This information 42 is characteristic and particular for the assembled container. In effect, in the process recited by claim 1, the individual indicia are further processed to result in a "combined indicia," which is the information encoded onto one of the constituents in the final step of claim 1.

Neither of the prior art references teach these steps. In Lephardt, a single strip with magnetic or graphic characterizing information is attached to a container. However, the characterizing indicia of the constituents of the container are not further processed to result encoding for the assembled package. Similarly, in Rudszinat, labels are provided with indicia to form a part of the inner envelope. Rudszinat neither discloses, nor suggests, the steps recited by claim 1.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lephardt in view of Rudszinat and Erdmann.

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Claim 11 is dependent from claim 1. Erdmann fails to cure the deficiency in the rejection of claim 1, discussed above. Accordingly, claim 11 is allowable as being dependent on an allowable claim.

Claims 15-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lephart in view of Rudszinat, Erdmann, and Bryan.

Claim 15 recites “means for” accomplishing steps similar to those recited in claim 1 and discussed above. Accordingly, claim 15 is allowable over Lephart and Rudszinat for the reasons discussed above. Furthermore, Erdmann and Bryan fail to cure the deficiency in the rejection discussed above.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance with claims 1-22.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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Version with markings to show changes made

1. (Amended) A method of confining a commodity in a composite container having a plurality of constituents, comprising the steps of:

assembling the constituents into the composite container around the commodity;

providing at least some of the constituents with characteristic indicia not later than in the course of the assembling step;

processing the characteristic indicia into information which is characteristic of the assembled container; and

encoding the information upon at least one constituent of the container.

15. (Amended) Apparatus for confining successive ones of a series of commodities in composite containers each of which has a set of constituents, comprising:

means for conveying successive commodities of the series along a predetermined path;

means for assembling the constituents of the sets into the containers, including placing the constituents around successive commodities [commodites] in a predetermined sequence in successive portions of the path;

means for providing at least some constituents of each set with characteristic indicia not later than in the respective portions of said path;

means for processing the characteristic indicia on said at least some constituents of each set into information which is characteristic of the respective assembled containers; and

means for encoding the information upon the respective containers.